

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT FAULKNER,

Defendant.

8:12CR27

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 66). The Court has reviewed the record in this case and finds as follows:

1. Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Count I and admit the Forfeiture Allegation of said Indictment. Count I charged the defendant with conspiracy to structure transactions with a domestic financial institution, in violation of 18 U.S.C. § 371, 31 U.S.C. §§ 5324(a)(3) and (d), and 31 CFR §§ 1010.100(t), 1010.311 and 1010.313. The Forfeiture Allegation sought the forfeiture, pursuant to 31 U.S.C. § 5317 and 28 U.S.C. § 2461(c), of all property, real and personal, involved in the offenses and any property constituting or derived from proceeds obtained directly or indirectly as a result of such violation, including but not limited to the following:

- a. \$2,541.46 seized December 16, 2011, from Account Number 11350010 at Great Western Bank.
- b. \$154.77 seized December 16, 2011, from Account Number 11350029 at Great Western Bank.
- c. \$2,079.87 seized December 16, 2011, from Account Number 67082 at Premier Bank.

- d. \$2,747.28 seized December 16, 2011, from Account Number 9636663859 at Wells Fargo Bank.

The Forfeiture Allegation also sought the forfeiture of substitute property pursuant to 31 U.S.C. § 5317.

2. The defendant also agreed to tender, in certified funds made payable to the Department of Treasury, \$320,000.00, in full satisfaction of the money judgment referenced in the Indictment filed herein. The tender will be made on the date the defendant is sentenced.

3. By virtue of said plea of guilty, the defendant forfeits his interest in the subject property, and the United States should be entitled to possession of said property, pursuant to 31 U.S.C. § 5317(c)(1)(B).

4. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained.

IT IS THEREFORE ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon the Forfeiture Allegation of the Indictment and the defendant's plea of guilty, the United States is hereby authorized to seize the following property:

1. \$2,541.46 seized December 16, 2011, from Account Number 11350010 at Great Western Bank.
2. \$154.77 seized December 16, 2011, from Account Number 11350029 at Great Western Bank.
3. \$2,079.87 seized December 16, 2011, from Account Number 67082 at Premier Bank.

4. \$2,747.28 seized December 16, 2011, from Account Number 9636663859 at Wells Fargo Bank.

C. The defendant shall tender, in certified funds made payable to the Department of Treasury, \$320,000.00, in full satisfaction of the money judgment referenced in the Indictment filed herein. The tender will be made on the date the defendant is sentenced.

D. The defendant's interest in the aforementioned property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 31 U.S.C. § 5317(c)(1)(B).

E. The aforementioned property is to be held by the United States in its secure custody and control.

F. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Said published notice shall state the Petitioner referred to in Paragraph E, above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

H. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

I. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 13th day of September, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court